



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,777	09/27/1999	JOHN G. WACLAWSKY	CIS99-1717	9859

7590 01/28/2003

DAVID E HUANG ESQ
CHAPIN & HUANG LLC
WESTBOROUGH OFFICE PARK
1700 WEST PARK DRIVE
WESTBOROUGH, MA 01581

EXAMINER

ODLAND, DAVID E

ART UNIT

PAPER NUMBER

2662

DATE MAILED: 01/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/405,777	WACLAWSKY ET AL.	
	Examiner	Art Unit	
	David Odland	2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2662

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds the maximum allowable word limit of 150. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 8,10,11,17 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites, "...the data stream..." in line 11. There is a lack of antecedent basis for this limitation in the claim.

Claims 11-18 are rejected because they depend on claim 10.

Referring to claims 8 and 17, the request signal source is observing, based on the control information, in what manner to transfer the data stream, which implies that the request signal source is originating the data stream. Therefore, it is unclear why the host computer would be indicated as the originator of the data stream.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2662

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1,3,7,9,10,12,16 and 18, as best understood, are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent number 5,930,473 to Teng et al., hereafter referred to as Teng.

Referring to claims 1 and 10, Teng discloses a data communications device (a video server (see figure 2)), comprising:

multiple network ports (a plurality of port to network nodes (see figure 2));

memory that stores an application (a memory which stores applications (see item 53 of figure 2)); and

a controller coupled to the multiple network ports and the memory (a CPU coupled to the ports and the memory (see item 52 in figure 2)), an agent process running on the controller when the controller operates in accordance with the application stored in the memory such that the agent (the video server act as a mediator between various clients of the network (see column 12 lines 20-56)):

receives a request signal from a request signal source (the server receives a request from the presenter client to retrieve a list of viewer clients that wish to transmit audio data (see column 12 lines 20-56)), the request signal requesting, from a host computer that is different than the data communications device (the presenter client is requesting data about a viewer client (see column 12 lines 20-56)), control information for controlling a manner in which the request signal source transfers the data stream (the retrieved list will tell the presenter client how the manner in which to transfer data streams by allowing the presenter client to halt its audio data to allow the viewer client to transmit its data (see column 12 lines 12-56));

Art Unit: 2662

generates a control signal in response to the request signal, the control signal including the control information for controlling the manner in which the request signal source transfers the data stream (the server generates the list of viewer clients that want to transmit audio and the presenter client uses this information to make a determination to stop transmitting its own audio data and allow the viewer client to transmit its audio data instead (see column 12 lines 20-56)); and

provides the control signal to the request signal source to individually control the manner in which the request signal source transfers the data stream among multiple data streams transferred by the request signal source (the retrieved list allows the presenter client to make a determination to stop transmitting its own audio data and allow the viewer client to transmit its audio data instead, wherein the presenter clients audio stream is one of a plurality of streams transmitted by the presenter client (see column 12 lines 20-56)).

Referring to claims 3 and 12, Teng discloses the method discussed above. Furthermore, Teng discloses that the method further includes the steps of forming the control signal without communicating with the host computer in response to request signal (the server sends the list to the presenter client without communicating the request to the viewer client (see column 12 lines 20-56)).

Referring to claims 7 and 16, Teng discloses the method discussed above. Furthermore, Teng discloses that the data within the data stream indicates that the host computer is an originator of the data stream (the viewers data stream has information telling the other clients that the audio stream is not from the presenter client, and therefore it is the originating the audio data (see column 12 lines 20-56)).

Art Unit: 2662

Referring to claims 9 and 18, Teng discloses the method discussed above. Furthermore, Teng discloses that the request signal is an inter-process communication signal, and wherein the step of receiving the request signal includes the step of obtaining, by a host agent operating within the data communications device and acting on behalf of the host computer, the request signal from the request signal source through an inter-process communication interface of the host agent (the request for the list by the presenter client is an inter-process communications signal since it does not go directly to the viewer clients and the server received the request and processes it through an interface (see column 20-56 and figure 2)).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2,5,6,8,11,14,15,17,19 and 20, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng.

Referring to claim 19, Teng discloses the of a device that performs the steps of:

receiving a request signal from a request signal source (the server receives a request from the presenter client to retrieve a list of viewer clients that wish to transmit audio data (see column 12 lines 20-56)), the request signal requesting, from a host computer that is different than the data communications device (the presenter client is requesting data about a viewer client (see column 12 lines 20-56)), control information for controlling a manner in which the request signal source transfers the data stream (the retrieved list will tell the presenter client how the manner in

Art Unit: 2662

which to transfer data streams by allowing the presenter client to halt its audio data to allow the viewer client to transmit its data (see column 12 lines 12-56));

generating a control signal in response to the request signal, the control signal including the control information for controlling the manner in which the request signal source transfers the data stream (the server generates the list of viewer clients that want to transmit audio and the presenter client uses this information to make a determination to stop transmitting its own audio data and allow the viewer client to transmit its audio data instead (see column 12 lines 20-56)); and

providing the control signal to the request signal source to individually control the manner in which the request signal source transfers the data stream among multiple data streams transferred by the request signal source (the retrieved list allows the presenter client to make a determination to stop transmitting its own audio data and allow the viewer client to transmit its audio data instead, wherein the presenter clients audio stream is one of a plurality of streams transmitted by the presenter client (see column 12 lines 20-56)).

Teng does not disclose that the method is performed through the use of a computer program. However, it is well known in the art that software has a much lower development cost and is much easier to upgrade than hardware. For these reasons, it would have been obvious to one skilled in the art at the time of the invention to implement the method disclosed in Teng through the use of a program.

Referring to claims 2, 11 and 20, Teng discloses the communications method as discussed above. Teng does not disclose that the request signal source is a data communications mechanism operating within the data communications device. However, it is well known in the art that servers can also act as clients network configurations. Therefore, it would have been

Art Unit: 2662

obvious to one skilled in the art at the time of the invention to incorporate the presenter client into the server, in the system of Teng, because doing so would increase the flexibility of the system by allowing the server to not only serve clients but also act as a client to other servers.

Referring to claims 5 and 14, Teng discloses the communications method as discussed above. Furthermore, Teng discloses that the data stream is a multicast session (the audio data is sent by the presenter client to all of the viewer clients (see column 12 lines 20-56)). Teng does not disclose that the control information of the control signal includes Internet Group Management Protocol instructions. However, it would have been obvious to one skilled in the art at the time of the invention to have the control signal, in the system disclosed by Teng, include Internet Group Management Protocol (IGMP) instructions because IGMP is a standardized communications protocol that uses a multicast address to distinguish between sets of recipients for multicast packets in a network and therefore it would be faster to implement rather than developing a new protocol.

Referring to claims 6 and 15, Teng discloses the communications method as discussed above. Teng does not disclose that the agent further perform an operation that decides whether to contact the host computer for assistance in response to the request signal, a result of the operation directing the data communications device not to contact the host computer in response to the request signal. However, it would have been obvious to one skilled in the art at the time of the invention to perform such an operation in the system of Teng because avoiding the step of having to contact the viewer client would reduce network traffic and increase the available bandwidth, which can be used by other network nodes.

Referring to claims 8 and 17, Teng discloses the communications method as discussed above. Teng does not disclose that the data within the data stream indicates that the host

Art Unit: 2662

computer is an intended recipient of the data stream. However, it would have been obvious to one skilled in the art at the time of the invention to include within the data stream of Teng which nodes are recipients of the data stream because such information will provide for the proper routing of the stream to its intended destination.

5. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Teng in view of U.S. Patent number 6,014,694 to Aharoni et al., hereafter referred to as Aharoni.

Referring to claims 4 and 13, Teng discloses the communication system as discussed above. Teng does not disclose that the data stream is a ReSerVation Protocol session, and wherein the control information of the control signal includes ReSerVation Protocol instructions. However, Aharoni discloses an audio/video transmission system with uses a reservation protocol (RSVP) to reserve bandwidth and provide quality of service features of the protocol (see column 7 lines 35-43)). Therefore, it would have been obvious to one skilled in the art at the time of the invention to utilize a reservation protocol, as taught in Aharoni, in the system of Teng, because doing so would make the system of Teng more reliable by reserving bandwidth and providing quality of service features.

Conclusion

The following prior art, which is made of record and not relied upon, is considered pertinent to applicant's disclosure:

- a. U.S. Patent Number 5,944,783 to Nieten.
- b. U.S. Patent Number 6,094,672 to Willie et al.

Art Unit: 2662

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Odland, who can be reached at (703) 305-3231 on Monday – Friday during the hours of 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached at (703) 305-4744. The fax number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist, who can be reached at (703) 305-4750.

deo

January 24, 2003

A handwritten signature, possibly reading 'deo', consisting of several loops and a final flourish.